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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CHRIS CARIGNAN,)
)
Defendant.)

No. CR-15-0003 VC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MOTION
HEARING AND FOR EXCLUDING
TIME UNDER 18 U.S.C. § 3161**

The parties in this case stipulate to Defendant's request for additional time to file his motion to suppress evidence. The reason for the request is that the defense needs more time to investigate the statements contained in the warrant affidavit. The government has no opposition to the defendant's request for additional time. Accordingly, Defendant moves the Court to alter the briefing schedule and motion hearing date in the above captioned case as follows:

Opening Motion Due: June 9, 2015
Response Due: July 7, 2015
Reply Due: July 14, 2015
Motion Hearing: July 21, 2015 at 1:00 PM

The parties concur that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time up until the motion filing date for

the purposes of effective preparation of counsel outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties further agree that pursuant to 18 U.S.C. § 3161(h)(1)(D), time will automatically be excluded from June 9 through July 21, 2015 because the motion to suppress will be pending before the Court.

Accordingly, due to the reasons stated above, the parties jointly move to continue the date that the opening brief is due on Defendant's Motion to Suppress from May 19, 2015 to June 9, 2015, and that the briefing schedule be ordered by the Court as stipulated above. The parties further agree that it is appropriate that time be excluded from May 19, 2015 to June 9, 2015, to allow for the effective preparation of counsel.

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SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: May 19, 2015 /s/
SHEILA ARMBRUST
Assistant United States Attorney

DATED: May 19, 2015 /s/
ELIZABETH FALK
Attorney for Defendant Chris Carignan

~~PROPOSED~~ ORDER

For the reasons stated above the Court hereby CONTINUES the due date for the opening motion from May 19, 2015 to June 9, 2015. The Court further orders that the briefing schedule for the motion shall be set as stipulated above. The Court further finds that the exclusion from the time limits of this period applicable under 18 U.S.C. § 3161 is warranted from May 19, 2015 through June 9, 2015, and holds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that denying the requested exclusion of time would deprive the defendant effective preparation of

1 counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).
2 Between June 9 and July 21, 2015, this Court concurs that time is automatically excluded to
3 allow the Court to review and rule on a pending motion. *See* 18 USC § 3161(h)(1)(D).

4 IT IS SO ORDERED.

5
6 DATED: May 20, 2015



7 THE HONORABLE VINCE CHHABRIA
8 United States District Judge